

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

MAY - 2 2002

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments,)

FM Broadcast Stations)

(Apopka, Maitland, and Homosassa Springs, Florida))

MM Docket No. _____

RM- _____

**PETITION FOR RULE MAKING
 OF COX RADIO, INC. AND CXR HOLDINGS, INC.**

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SUMMARY

Cox Radio, Inc. and its wholly-owned subsidiary, CXR Holdings, Inc., licensee of Radio Station WPYO(FM), Channel 237A, Apopka, Florida (collectively, "Cox"), respectfully petition the FCC to commence a rulemaking to amend the FM Table of Allotments by (a) deleting Channel 237A at Apopka, allotting Channel 237C3 at Maitland, Florida, and modifying the license of WPYO(FM) accordingly and (b) to accommodate this reallocation, relocating the transmitter site of WXCW(FM) and modifying WXCW(FM)'s license accordingly. Cox has obtained the consent of WXOF, Inc., licensee of WXCW(FM), to the proposed modifications and pledges to reimburse WXOF, Inc. for the costs of that station's relocation.

The proposed allotment of Channel 237C3 to Maitland would provide Maitland with its first local service while the existing allotment provides Apopka with its second full-time aural service. Maitland is a community for allotment purposes and, given its independence from the Orlando, Florida Urbanized Area, merits its own local service. Additionally, the allotment of Channel 237C3 to Maitland would permit WPYO(FM) to provide increased service to 289,966 persons. Thus, the proposed allotment is preferable to the existing allotment at Apopka.

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(Apopka, Maitland, and Homosassa Springs, Florida))

MM Docket No. _____
RM- _____

To: Assistant Chief, Audio Division
Office of Broadcast License Policy, Media Bureau

**PETITION FOR RULE MAKING
OF COX RADIO, INC. AND CXR HOLDINGS, INC.**

Cox Radio, Inc. and its wholly-owned subsidiary, CXR Holdings, Inc. (collectively "Cox"), by their attorneys and pursuant to Section 1.420(i) of the Commission's Rules, hereby respectfully submit this Petition for Rule Making.¹ By this Petition, Cox requests that the Commission institute a rulemaking to amend Section 73.202(b), the FM Table of Allotments, by (a) deleting Channel 237A at Apopka, Florida, allotting Channel 237C3 at Maitland, Florida, in lieu thereof, and modifying the license of WPYO(FM) accordingly (the "WPYO Modification") and (b) relocating the transmitter site of WXCVC(FM) and modifying the license of WXCVC(FM) accordingly (the "WXCVC Modification").² As demonstrated herein, approval of the WPYO Modification and the WXCVC Modification would satisfy the Commission's allotment priorities and serve the public interest.

¹ 47 C.F.R. § 1.420(i). CXR Holdings, Inc. is the licensee of WPYO(FM), Channel 237A, Apopka, Florida.

² WXOF, Inc. is the licensee of WXCVC(FM), Channel 237A, Homosassa Springs, Florida.

I. The Proposal Satisfies the Community of License Change Requirements.

In *Modification of FM and TV Authorizations to Specify a New Community of License*, the Commission stated that an FM or television station licensee may petition for a change in its station's community of license if (i) the proposed channel is mutually exclusive with the existing channel and (ii) the new community is preferred over the existing community under the Commission's allotment priorities.³

In this case, the proposed allotment of Channel 237C3 at Maitland is mutually exclusive with the existing allotment of Channel 237A at Apopka.⁴ The proposed Maitland allotment, using a theoretical transmitter site for allotment purposes, would comply with the community coverage requirements⁵ and the minimum distance separation⁶ requirements. Because the theoretical transmitter site is short-spaced to the licensed coordinates of WXCW(FM), Homosassa Springs, Florida, to accommodate the WPYO Modification, Cox also proposes to change the transmitter site for WXCW(FM). WXOF, Inc., the licensee of WXCW, has provided its consent to a change in transmitter site,⁷ and in fact, already has filed an application with the FCC for authority to implement the transmitter site change. *See* FCC File No. BMPH-

³ 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("*Community of License MO&O*").

⁴ *See* Exhibit A at 1 (Engineering Exhibit of du Treil, Lundin & Rackley, Inc.) ("*Engineering Exhibit*").

⁵ *Id.* (citing 47 C.F.R. § 73.315(a)).

⁶ *Id.* at 2 (citing 47 C.F.R. § 73.207).

⁷ *See* Exhibit B, Consent of WXOF, Inc. dated May 1, 2002 consenting to the WXCW Modification.

20010717AAI. Cox also has agreed to reimburse WXOF, Inc. for the costs of implementing the WXCVC Modification.⁸

The instant proposal also satisfies the Commission's FM allotment priorities as set forth in *Revision of FM Assignment Policies and Procedures*.⁹ Here, the allotment of Channel 237C3 to Maitland would provide that community with its first local service (Priority 3), while the existing allotment of Channel 237A to Apopka provides Apopka with its second full-time aural service (Priority 4). Moreover, the WPYO Modification would permit this station to provide increased service to 289,966 persons.¹⁰ As such, the proposed allotment to Maitland is preferable to the existing allotment at Apopka.

Cox will timely file an application to implement the changes proposed if the Commission grants the instant proposal and WXOF, Inc. has already filed its application to implement the WXCVC Modification.

II. Maitland is a Community For Allotment Purposes.

The Commission defines communities as "geographically identifiable population groupings"¹¹ and considers whether the social, economic, and cultural organizations located in

⁸ Approving the WXCVC Modification as part of this rulemaking is consistent with FCC precedent. See *Cross Plains, Allen, Benbrook, Brownwood, Burkburnett, Campbell, Clifton, Coleman, Commerce, Detroit, Graham, Granbury, Haskell, Kerens, Mason, Jacksboro, McKinney, Muenster, San Saba, Snyder, Terrell, Vernon, Waco and Wichita Falls, Texas; Alva, Anadarko, Antlers, Ardmore, Atoka, Comanche, Dickson, Duncan, Durant, Eldorado, Hugo, and Lone Grove, Oklahoma*, 15 FCC Rcd 5506 (2000); *Big Pine Key, Clewiston, Ft. Myers Villas, Indiantown, Jupiter, Key Colony Beach, Naples and Tice, Florida*, 13 FCC Rcd 15542 (1998).

⁹ *Second Report and Order*, 90 FCC 2d 88, ¶ 7 (1982). These priorities are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. (The second and third priorities are given equal weight by the Commission.)

¹⁰ See Exhibit A at 3 (Engineering Exhibit). The loss areas are both small in size and well-served by other radio stations. *Id.*

¹¹ *Grants and Peralta, New Mexico*, 14 FCC Rcd 21446, ¶ 8 (1999).

the community identify themselves with the community.¹² The Commission has stated that the requirement of community status is generally satisfied if the proposed community is incorporated and listed in the U.S. Census.¹³ In this case, Maitland possesses all the indicia of a community for FM allotment purposes.

The City of Maitland is "one of the oldest incorporated municipalities in Central Florida."¹⁴ According to the City's Internet website, the U.S. Army established Ft. Maitland in 1838.¹⁵ In 1873, the first deed for property in the City was written to George H. Packwood, who built a large hall for town meetings and social gatherings. A large hotel (Park House) was subsequently built between Park Lake and Lake Catherine, which became the winter resort for famous people of the time, including Presidents Grover Cleveland and Chester A. Arthur. In 1959, a new city charter changed the community's name from Lake Maitland to Maitland.

The 2000 U.S. Census recorded a population of 12,019 in Maitland.¹⁶ Maitland has its own local government headed by an elected Mayor, elected City Council, and appointed City Manager.¹⁷ Its own municipal services include the following Departments: Police; Public Works; Fire/Rescue and Building; Finance; Cultural Services; Parks and Recreation; and Community Development. Maitland has its own ZIP Code (32751) and shares another (32794)

¹² *Las Vegas and Rowe, New Mexico*, 16 FCC Rcd 2312, ¶ 3 (2001).

¹³ *See, e.g., Pontotoc, Tennessee*, 11 FCC Rcd 14430, ¶ 15 (1996) (stating that the proposed community's incorporation and listing in the Census meet the Commission's basic criteria for a community); *Naples, Florida*, 41 RR 2d 1549, ¶ 11 (1977) (stating that the question of community status is "easily answered" "[i]f it is an incorporated community").

¹⁴ *See* Exhibit C (City of Maitland official Internet website at <www.ci.maitland.fl.us>). The City of Maitland was incorporated on July 17, 1885, according to a telephone conference between Cox counsel and Maitland City Clerk, April 23, 2002.

¹⁵ *See* Exhibit C (City of Maitland website).

¹⁶ *See* Exhibit D (U.S. Census official Internet website at <www.census.gov>).

with the nearby town of Eatonville. Maitland also has its own post office, private and public schools, numerous local businesses, a hospital and several health clinics, several churches, a civic center, sports leagues and clubs, community parks, a chamber of commerce, a historical society, an arts center, and a public library. According to the Police Department, 26,000 persons work in office parks located in Maitland. Clearly, the City of Maitland qualifies as a community for allotment purposes.¹⁸

III. Maitland is Independent of the Orlando Urbanized Area.

Both Apopka and Maitland are located in the Orlando, Florida, Urbanized Area. Currently, the WPYO(FM) signal reaches 46.8 percent of the Orlando Urbanized Area, and a grant of the instant proposal would allow WPYO(FM) to reach 60.6 percent of the urbanized area.¹⁹ Nonetheless, reallocating WPYO(FM)'s channel as proposed herein does not raise the specter of a suburban station attempting to abandon its listeners in order to "move in" to a central city.

In numerous cases, the Commission has expressed concern that a mechanical application of the FM priority for first local service "would appear to allow an artificial or purely technical manipulation of the Commission's 307(b) related policies."²⁰ To avoid such results, the Commission has applied the so-called *Huntington* and *Faye and Richard Tuck* analysis "in cases involving moves from communities outside of urbanized areas to communities inside of

...continued

¹⁷ See Exhibit C (City of Maitland website).

¹⁸ See generally *id.*

¹⁹ See Exhibit A at 3 (Engineering Exhibit).

²⁰ *Community of License MO&O*, 5 FCC Rcd 7094, ¶ 14.

urbanized area [sic], as defined by the U.S. Census.”²¹ Nevertheless, those concerns “do not exist in cases . . . where a station is already licensed to a community in an urbanized area and seeks to change its community of license to another community in the same urbanized area,” because, in such cases, “a first local service preference is not being used as a basis to enter the market.”²²

The Maitland proposal, if granted, would enable WPYO(FM) to increase its coverage of the Orlando Urbanized Area from 46.8 percent to 60.6 percent.²³ WPYO(FM) already covers nearly half of the Orlando Urbanized Area, and both Maitland and Apopka are located entirely within the urbanized area. In this case, the station cannot be said to be using the allotment process to “move in” to an urbanized area from a suburban area.²⁴ Nevertheless, an analysis of the *Tuck* factors clearly demonstrates that the community of Maitland possesses numerous indicia confirming that it is independent of the Orlando Urbanized Area.

In evaluating a community’s independence, the Commission is guided by the following three factors: (1) signal population coverage, that is, the degree to which the proposed station will provide service to both the suburban community and the larger metropolis; (2) the size and proximity of the suburban community relative to the metropolis; and (3) the interdependence of the suburban community with the metropolis, as gauged by a number of indicia.²⁵ All three factors indicate that Maitland is entitled to a first local service preference.

²¹ *East Los Angeles, Long Beach, and Frazier Park, California*, 10 FCC Rcd 2864, ¶ 21 (1995).

²² *Id.*

²³ See Exhibit A at 3 (Engineering Exhibit).

²⁴ See *Shelby and Dutton, Montana*, 14 FCC Rcd 9514 (1999).

²⁵ *Eatonton and Sandy Springs, Georgia, and Anniston and Lineville, Alabama*, 6 FCC Rcd 6580, ¶ 23 (1991), *appl. for rev. dismissed*, 12 FCC Rcd 8392 (1997), *citing Change of Community*
continued...

A. Signal population coverage.

The existing WPYO(FM) operations on Channel 237A at Apopka cover 46.8% of the land area and 62.7% of the population of the Orlando Urbanized Area with a 70 dBu signal.²⁶ The proposed allotment of Channel 237C3 at Maitland will encompass 60.6% of the land area and 76.3% of the population of the Orlando Urbanized Area with a 70 dBu signal.²⁷ Although WPYO(FM)'s coverage of the urbanized area will increase, the Orlando Urbanized Area already encompasses the entire Maitland area and population, as well as Apopka's area and population.²⁸

B. Population and proximity in comparison to Orlando.

According to the 2000 Census, Maitland has a population of 12,019 persons,²⁹ which represents approximately 6.5% of the population of Orlando.³⁰ As to proximity, Maitland is located eight miles from Orlando.³¹ Nonetheless, Maitland is a substantial community that is separate and apart from Orlando, as demonstrated below. Moreover, the Commission has granted channel change petitions where the proposed community's population as a percentage of

...continued

M&O, 5 FCC Rcd 7094 at n. 14. See also *RKO General (KFRC)*, 5 FCC Rcd 3222 (1990); *Tuck*, 3 FCC Rcd 5374 (1988); *Huntington Broadcasting Co. v. FCC*, 192 F.2d 33 (D.C. Cir. 1951).

²⁶ See Exhibit A at 3 (Engineering Exhibit).

²⁷ See *id.*

²⁸ See *id.*

²⁹ See Exhibit D (U.S. Census Bureau, Census 2000).

³⁰ Orlando's population is 185,951 according to the 2000 Census. *Id.*

³¹ Distance data derived from <www.indo.com/cgi-bin/dist?>.

that of the central city was considerably smaller³² and where the community was located far closer to the central city of the urbanized area.³³

C. No Interdependence.

An analysis of Maitland based on the *Tuck* factors confirms that Maitland is sufficiently independent of the Orlando Urbanized Area to justify a first local service preference.³⁴ Although the Commission generally has held that a community must satisfy only a majority of the *Tuck* factors to be considered independent for allotment purposes,³⁵ an examination of the facts presented herein shows that Maitland satisfies all eight factors.

1. Maitland residents consider their community to be separate from Orlando.

Although Maitland is located near Orlando, its residents consider themselves part of their own community. Maitland's Internet web site tells the story of a city that traces its roots back to

³² See, e.g., *Ada, Newcastle and Watonga, Oklahoma*, 11 FCC Rcd 16896 (1996) (finding Newcastle independent of Oklahoma City despite population equal to 0.9% of that of central city).

³³ See, e.g., *Mullins and Briarcliffe Acres, South Carolina*, 14 FCC Rcd 10516 (1999) (finding Briarcliffe independent of Myrtle Beach Urbanized Area despite only four mile separation).

³⁴ *Tuck*, 3 FCC Rcd 5374 at ¶ 36. In *Tuck*, the Commission indicated that it would determine a community's degree of interdependence with a larger urbanized area by analyzing the following factors: (a) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (b) whether the specified community has its own local government and elected officials; (c) the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries; (d) whether the smaller community has its own local telephone book provided by the local telephone company or zip code; (e) whether the community has its own commercial establishments, health facilities, and transportation systems; (f) the extent to which the community residents work in the larger metropolitan area, rather than the specified community; (g) whether the smaller community has its own newspaper or other media that covers the community's needs and interests; and (h) the extent to which the community and the central city are part of the same advertising market.

³⁵ *Parker and Port St. Joe, Florida*, 11 FCC Rcd 1095 (1996).

the 1838 establishment of the U.S. Army outpost called Ft. Maitland.³⁶ Currently, Maitland has roughly 12,000 residents, although more than 26,000 individuals work within the City's borders. The many and varied community-oriented activities centered in Maitland include, for example, the following events scheduled for the City's Cultural Corridor (in and around Lake Lily Park) this year: the Spring Festival, Fall Art Festival, Taste of Maitland, Chili Cook-off, and performances by the Maitland Orchestra and Chorus.³⁷ Within Maitland's borders are eight elementary/middle schools and one high school.³⁸

These attributes, coupled with the usual evidence of a thriving, independent community, such as parent-teacher organizations,³⁹ youth athletic teams and league,⁴⁰ public libraries,⁴¹ and community parks, bike trails, and sports facilities,⁴² demonstrate that Maitland views itself as (and is) its own community, independent of Orlando.

2. Maitland has its own local government and elected officials.

Maitland's local government plays a large part in facilitating and promoting the City's community activities and gives local residents an opportunity to participate in the administration of the community's affairs. Maitland has an elected Mayor and City Council, along with an appointed City Manager.⁴³

³⁶ See Exhibit C (City of Maitland website).

³⁷ See *id.*

³⁸ See Exhibit E (Yahoo! Yellow Pages for Maitland <www.yahoo.com>).

³⁹ See *id.*

⁴⁰ See *id.*

⁴¹ See *id.*

⁴² See Exhibit C (City of Maitland website).

⁴³ See *id.*

3. Maitland provides extensive municipal services to its residents.

Maitland's Mayor, City Council and City Manager oversee the provision of extensive municipal services to local residents. The City Council appoints officials and local citizens to a wide range of boards, commissions, and committees, including, for example, the Planning and Zoning Commission, Board of Adjustments and Appeals, Parks and Recreation Advisory Board, Transportation Board, and the Police Officers & Firefighters Pension Trust Fund Board.⁴⁴

The Maitland Police Department employs forty-three full-time and six part-time employees, who perform a full range of public safety duties, including criminal investigation.⁴⁵ The Department operates on a budget for fiscal year 2001 of approximately \$3,600,000 and in 2001, answered approximately 30,957 calls for service.⁴⁶

The City also has an extensive system of City agencies.⁴⁷ The Finance Department manages the City's assets and accounting functions. The Public Works Department maintains the City's streets, buildings, parks, lakes, ball fields, and vehicles, while also providing engineering services to City officials, developers, and contractors. The mission of the Fire/Rescue and Building Department is to protect the life and property of local residents and buildings. Maitland's Community Development Department is charged with facilitating the

⁴⁴ *See id.*

⁴⁵ Telephone conference with Mr. Peter Loomis, the Professional Standards Coordinator of the Maitland Police Department, April 25, 2002. There are nineteen part-time positions within the Department.

⁴⁶ *Id.* According to the Maitland Police Department's website as of August 1, 2001, the Department's budget for fiscal year 2000 was \$2,876,070 and the Department answers approximately 32,000 calls for service each year. *See Exhibit C* (City of Maitland website).

⁴⁷ *See Exhibit C* (City of Maitland website).

orderly, effective growth of the community consistent with local regulations and a comprehensive development plan adopted by the City.

4. Maitland has its own ZIP Code.

Maitland has its own ZIP Code (32751) and it shares a second ZIP Code with the adjacent community of Eatonville (32794).⁴⁸ Maitland also has its own post office.⁴⁹

5. Maitland has many commercial establishments and considerable health care resources.

Maitland has a considerable local commercial base that includes more than 100 businesses within the City that serve Maitland residents.⁵⁰ Many of these businesses identify themselves as Maitland businesses by using "Maitland" in their name including Maitland Drug Store, Maitland Frame & Art, Maitland Green Café, Maitland Little League, Inc., and Maitland Texaco.⁵¹ Maitland has a local Chamber of Commerce that was organized in 1924 and actively participates in promoting the Maitland community to businesses seeking to locate there.⁵² Maitland has a hospital, health clinics, and specialty medical services.⁵³

6. Maitland offers its residents substantial employment opportunities.

Maitland's substantial local business base provides its residents with many employment opportunities. According to the 1990 Census, 15% of Maitland residents over the age of sixteen

⁴⁸ See Exhibit F (City/State/ZIP Code Associations <www.usps.gov/ncsc/lookups/lookup_ctystzip.html>).

⁴⁹ See Exhibit F (Post Office Locator <www.mapsonus.com/db/USPS/>).

⁵⁰ See Exhibit E (Yahoo! Yellow Pages for Maitland <www.yahoo.com>).

⁵¹ See *id.*

⁵² See Exhibit G (Chamber of Commerce publications).

⁵³ See *id.*

worked in Maitland.⁵⁴ The Commission has considered communities independent of their urbanized area under circumstances where a substantially smaller percentage of residents were employed within the community.⁵⁵ It is also worth noting that about 26,000 persons work in office parks located in Maitland.⁵⁶

7. Maitland has local media outlets.

Maitland residents have access to local media through the *Winter Park-Maitland Observer*, a local newspaper serving Maitland and nearby communities.⁵⁷ This weekly newspaper has a circulation of approximately 10,000 copies, including Maitland.⁵⁸ In addition, numerous Maitland organizations, including the City government, Park Maitland School, and the Maitland Area Chamber of Commerce maintain Internet web sites providing information about the community.⁵⁹

8. Maitland businesses can advertise to residents directly.

These various media outlets show that Maitland businesses can reach Maitland residents without utilizing the Orlando advertising market because local businesses can (and do) advertise in the *Winter Park-Maitland Observer*, as is readily evident from a review of selected pages included in Exhibit H.

⁵⁴ See Exhibit D (U.S. Census official Internet website at <www.census.gov>).

⁵⁵ See *Albemarle and Indian Trail, North Carolina*, 14 FCC 10524 (1999) (holding Indian Trail deserving of first local service where only 11.3% of the residents worked within the community).

⁵⁶ Telephone conference with Mr. Peter Loomis, the Professional Standards Coordinator of the Maitland Police Department, April 25, 2002; see Exhibit C (City of Maitland website).

⁵⁷ See Exhibit H (selected pages from *Winter Park-Maitland Observer*, April 18, 2002 and April 25, 2002).

⁵⁸ *2000 Editor & Publisher Yearbook*, Part II, Comm-54.

⁵⁹ See Exhibit G (Chamber of Commerce publications); Exhibit I (related Internet websites).

IV. Conclusion

The City of Maitland is a thriving community that deserves its own local FM radio station. As demonstrated herein, Maitland is sufficiently independent of Orlando for allotment purposes and thus merits a first local service preference. Moreover, Apopka will still retain a full-time local radio transmission service (WHIM(AM)). Allotting Channel 237C3 to Maitland would serve the public interest as it would provide a first local service to Maitland and would result in a net service gain of 289,966 persons.

In light of the foregoing, the Commission should issue a *Notice of Proposed Rule Making* seeking comment on the following allotment change:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Apopka	237A	---
Maitland	---	237C3
Homosassa Springs	237A (change in authorized transmitter site)	237A

Respectfully submitted,

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May 2, 2002



A

EXHIBIT A

Engineering Exhibit of duTreil, Lundin & Rackley, P.C.

ENGINEERING EXHIBIT
IN SUPPORT OF RULE MAKING
COX RADIO, INC. AND CXR HOLDINGS, INC.
FM BROADCAST STATION WPYO
APOPKA, FLORIDA

Engineering Statement

The engineering exhibit consisting of this statement and the attached figures, prepared on behalf of Cox Radio, Inc. and CXR Holdings, Inc., supports a request for rule making to modify the FM Table of Allotments in 47 CFR 73.202. It is proposed to change the allotment of channel 237A at Apopka, Florida to channel 237C3 at Maitland, Florida. CXR Holdings, Inc. is licensee of FM station WPYO, which currently operates on channel 237A at Apopka. The proposed allotment of channel 237C3 at Maitland is mutually exclusive with the existing allotment of channel 237A at Apopka.

The proposed change in the table of allotments follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Apopka, FL	237A	- - -
Maitland, FL	- - -	237C3

Maitland, Florida has population of 12,019 persons. The city is located in Orange County. Population information is based on the 2000 census except where otherwise indicated.

Apopka, Florida
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Channel 237C3 can be allotted to Maitland at a theoretical transmitter site in complete accord with the FCC allotment rules, complying both with the separation requirements of 47 CFR 73.207 and city coverage requirements of 47 CFR 73.315(a).

The proposed allotment change will result in a preferential arrangement of allotments, as it will provide a first local aural transmission service to the City of Maitland, without depriving Apopka of local service. Apopka will continue to be served by full time AM station WHIM, which operates on 1520 kilohertz. Apopka has a population of 26,642 persons and is located in Orange County.

As shown on Figure 1, the proposed use of channel 237C3 at the selected reference coordinates meets the separation requirements of 47 CFR 73.207. The geographic coordinates for that location are 28-39-38 North Latitude, 81-13-02 West Longitude. The reference site shown on a portion of the "Oviedo, FLA" 7-1/2 minute quadrangle map, Figure 2, is approximately 3 kilometers southwest of Oviedo, Florida on the north side of W. Mitchell Hammock Road approximately 750 meters east of Orange County road 426.

The attached Figure 3 is a map showing the predicted 70 dBu contour for an assumed maximum facility Class C3 station operating from the reference site. The projected 70 dBu contour encompasses Maitland. Also shown on the map is the existing 70 dBu contour for WPYO and the coverage of the Orlando Urbanized

Apopka, Florida
Page 3 of 3

Area. Calculations of coverage of the Orlando Urbanized Area are based on the 1990 census, as new urbanized area maps are not expected to be available until mid 2002.

As will be seen from Figure 3, both Apopka and Maitland are located in the Orlando urbanized area. The existing operation of WPYO covers 46.8 percent of the land area and 62.7 percent of the population of the Orlando Urbanized Area with a 70 dBu signal. The proposed allotment of channel 237C3 at Maitland will encompass 60.6 percent of the land area and 76.3 percent of the population in the Orlando Urbanized Area with a 70 dBu signal.

Figure 4 is a map showing the existing WPYO 60 dBu contour and the 60 dBu contour from a reference class C3 station operating with maximum facilities of 25 kilowatts, effective radiated power, and 100 meters, height above average terrain. The existing operation of WPYO provides service to 1,202,284 persons in an area of 2,357 square kilometers. From the reference coordinates, and with maximum class C3 operation, service would be provided to 1,492,130 persons in an area of 5,329 square kilometers. There is a gain of 303,853 persons in 3,323 square kilometers and a loss of 13,987 persons in 351 square kilometers, or a net gain of 289,966 persons in 2,972 square kilometers.

The gain and loss areas are well served. The ten FM stations listed below provide 60 dBu coverage to the entire gain and loss areas:

Apopka, Florida

Page 4 of 4

<u>Station</u>	<u>Channel</u>	<u>Florida Location</u>
WWKA	222	Orlando
WCFB	233	Daytona Beach
WHTQ	243	Orlando
WSHE	262	Orlando
WJRR	266	Cocoa Beach
WJHM	270	Daytona Beach
WTKS	281	Cocoa Beach
WOMX-FM	286	Orlando
WOCL	290	Deland
WMGF	299	Mount Dora

The change in FM allotment proposed meets the Federal Communications Commissions rules and policies for such a change.



Louis R. du Treil, Sr.
du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237-6019

941 329 60000

April 24, 2002

Figure 1

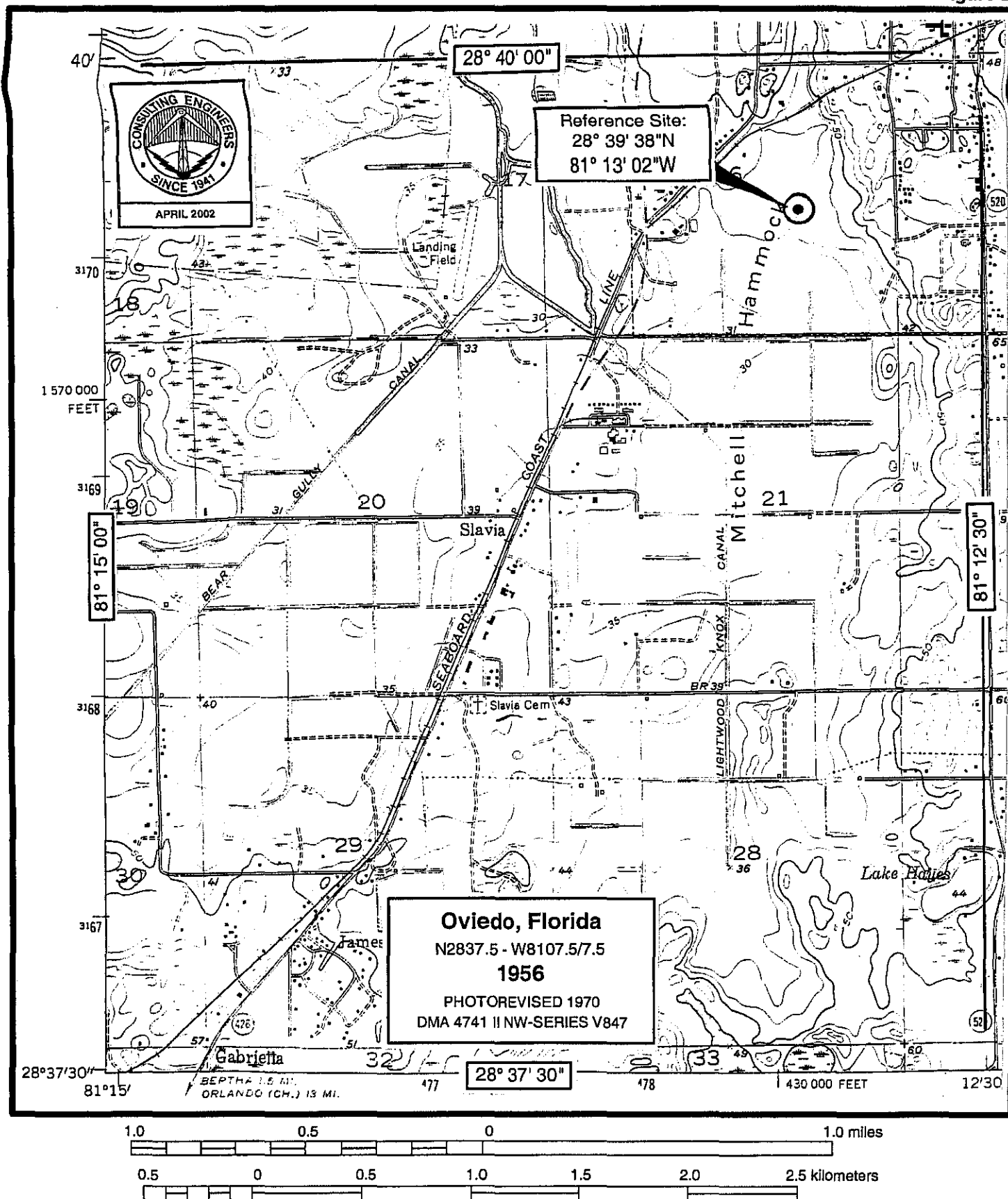
ENGINEERING EXHIBIT
IN SUPPORT OF RULE MAKING
CXR HOLDINGS, INC.
FM BROADCAST STATION WPYO
APOPKA, FLORIDA

Channel 237C3 Allocation Study
28° 39' 38" 81° 13' 02"

Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	(km)
WWRM 74200	TAMPA FL LIC C	BLH 20010521ABA	235 C 94.9	100.000 470	N	27-49-10 082-15-39	N	227.8	138.49 42.49	96.0 Clear
WBVD 11409	MELBOURNE FL LIC C	BLH 19951002KD	236 A 95.1	6.000 64	N	28-04-42 080-35-56	Y	136.8	88.53 -0.47	89.0 Short
WAPE-F 70863	JACKSONVILL FL LIC C	BLH 19881114KA	236 C 95.1	100.000 300	N	30-19-22 081-38-34	N	347.5	188.81 12.81	176.0 Close
WPYO 1186	APOPKA FL LIC C	BLH 20000915AAY	237 A 95.3	2.900 144	Y 15986	28-34-27 081-27-46	Y	248.2	25.85 -116.15	142.0 Short
WXCV 71693	HOMOSASSA S FL LIC C	BLH 19980910KA	237 A 95.3	6.000 100	N	28-53-14 082-31-36	N	281.5	130.31 -11.69	142.0* Short
WXCV 71693	HOMOSASSA S FL APP C	BMPH 20010717AAI	237 A 95.3	6.000 100	N	28-49-55 082-40-17	N	278.0	143.30 1.30	142.0* Close
WOLZ 13898	FORT MYERS FL LIC C	BLH 19950711KA	237 C1 95.3	79.000 145	N	26-30-18 081-51-14	Y	194.8	246.99 35.99	211.0 Clear
WNDD 1099	SILVER SPRI FL LIC C	BLH 19950501KA	238 A 95.5	6.000 100	N	29-16-55 082-02-50	N	310.8	106.24 17.24	89.0 Clear
WLDI 2680	FORT PIERCE FL LIC C	BLH 19871112KB	238 C1 95.5	100.000 299	N	27-07-20 080-23-21	N	154.4	188.96 44.96	144.0 Clear
WLDI 2680	FORT PIERCE FL CP C	BPH 20011115ADH	238 C1 95.5	100.000 282	N	27-07-19 080-23-20	N	154.4	189.00 45.00	144.0 Clear
WHOG-F 24365	ORMOND-BY-T FL LIC C	BLH 19951109KE	239 C3 95.7	25.000 100	N	29-14-10 081-04-23	N	12.3	65.32 22.32	43.0 Clear
WOCL 10138	DELAND FL LIC C	BMLH 19970411KC	290 C 105.9	100.000 482	N	28-55-16 081-19-09	N	341.1	30.54 -0.46	31.0 Short

* There is an application pending for WXCV (modified on 4/24/2002) to change transmitter location to 28-50-03 82-39-34 (File No. BMPH-20010717AAI). This location is 142.2 kilometers from the revised WPYO class C3 reference coordinates

Figure 2

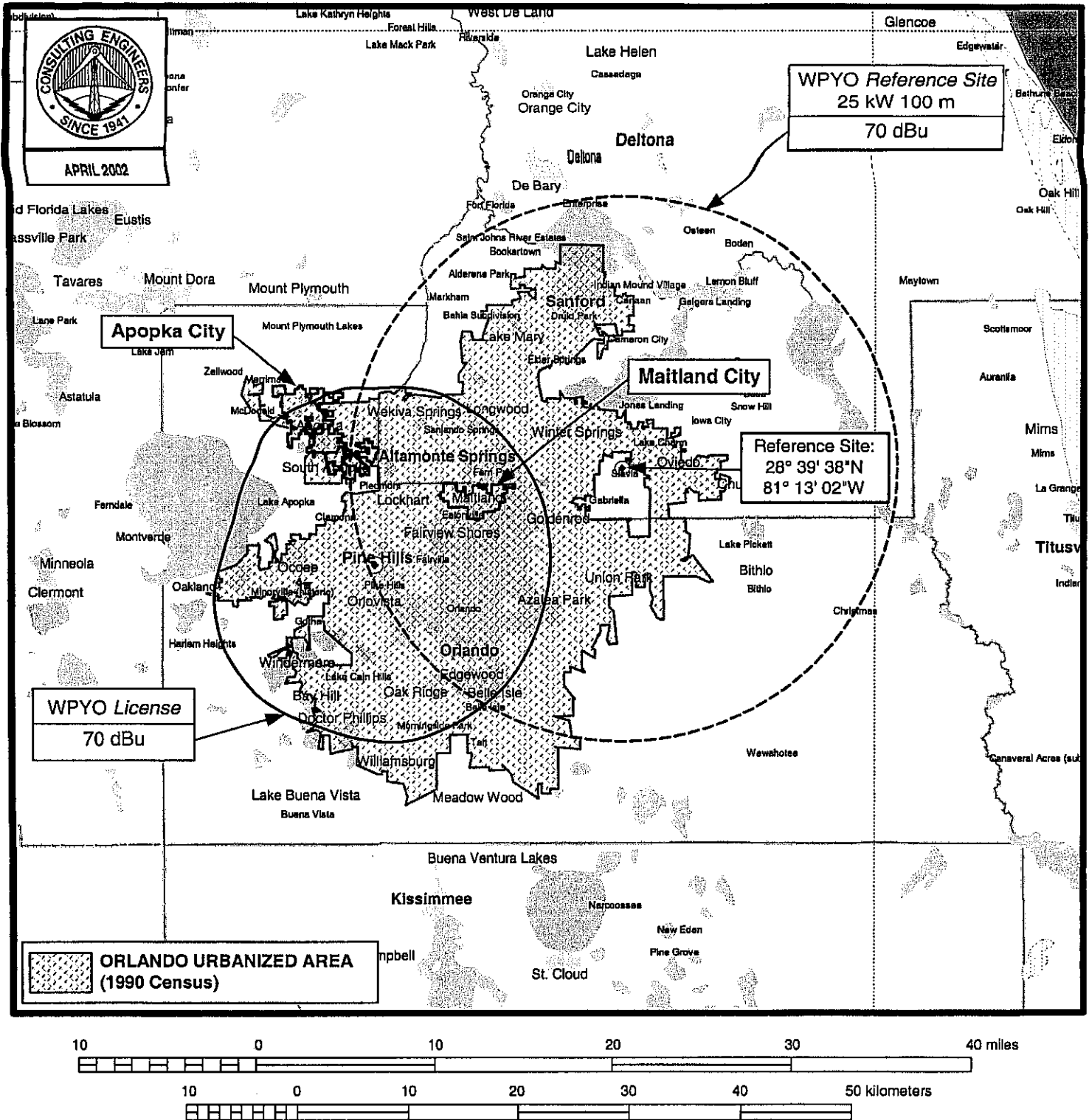


LOCATION OF REFERENCE SITE

FM STATION WPYO
APOPKA, FLORIDA

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 3

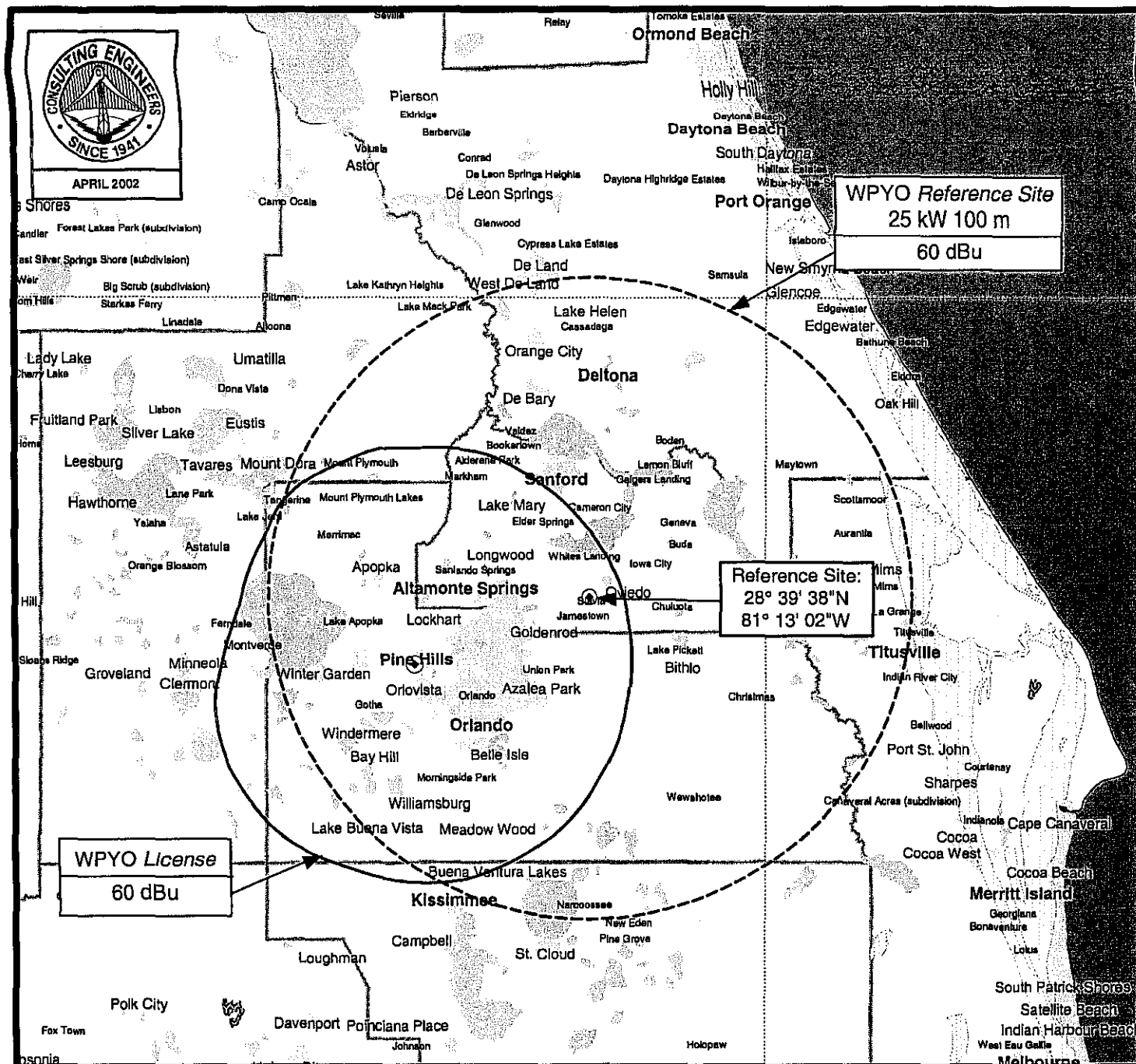


PREDICTED COVERAGE CONTOURS

FM STATION WYPO
APOPKA, FLORIDA

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 4



PREDICTED COVERAGE CONTOURS

FM STATION WPYO
APOPKA, FLORIDA

du Treil, Lundin & Rackley, Inc. Sarasota, Florida